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ATTORNEYS AT LAW

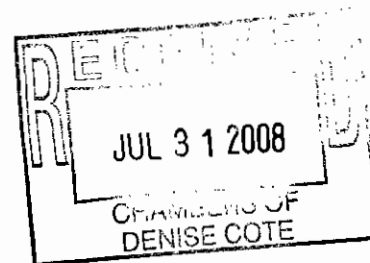
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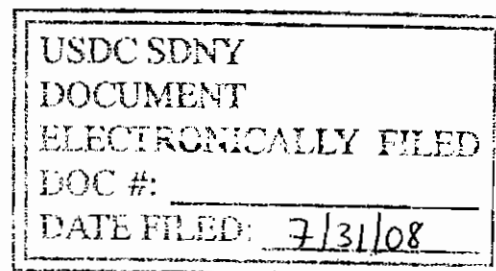


July 29, 2008

**MEMO ENDORSED**

**Via First Class Mail**

Honorable Denise L. Cote  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street, Room 1040  
New York, New York 10007



Re: Jannell R. Buckley v. Liberty Health Advantage, Inc.  
United States District Court, Southern District of New York  
Case No.: 08-CV-1880

Dear Magistrate Judge Cote:

We are the attorneys for plaintiff, Jannell Buckley (hereinafter, "Plaintiff"), in the above-entitled matter.

On or about February 25, 2008, Plaintiff filed a summons and verified complaint in this case. Thereafter, the summons and verified complaint were served upon defendant, Liberty Health Advantage, Inc. ("Liberty Health"), through the New York State Secretary of State. The address listed for Liberty Health on the NYS Department of State's website is 500 Seventh Avenue, 18<sup>th</sup> Floor, New York, New York 10018. Upon information and belief, the NYS Department of State served Liberty Health at this address. However, Liberty Health never appeared in this matter.

Accordingly, at an initial conference held in this case on June 20, 2008, Your Honor directed that Plaintiff bring a motion for a default judgment as against Liberty Health based upon its default in the case.

As our office suspected that Liberty Health never received the summons and verified complaint, we endeavored to locate its administrative offices to inquire as to its default herein.

Honorable Denise L. Cote  
United States District Judge  
July 29, 2008  
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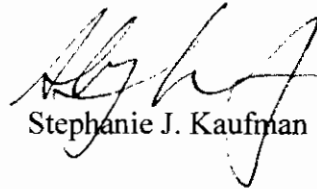
Today, we contacted Lorilyn Rosales-Menzel, the Director of Legal Services of Liberty Health, and were advised that, in fact, Liberty Health never received a copy of the summons and verified complaint.

Based upon our desire to litigate this case on its merits, rather than obtain a default judgment that Liberty Health will likely vacate, we agreed to provide Ms. Rosales-Menzel with another copy of the summons and verified complaint and to allow Liberty Health additional time to respond thereto.

We respectfully request that the Court update the case accordingly.

Of course, should the Court have any questions, please contact our office immediately.

Very truly yours,



Stephanie J. Kaufman

SJK/mk

cc: Lorilyn Rosales-Menzel

*The time to serve the defendant  
is extended in rem pro tempore  
to August 2, 2008.*

*Denise Cote  
July 31, 2008*